

REMARKS

The Examiner has required Applicants to elect a combination of a single medium recording area among the below a(i) – a(v) and a single temporary defect management area among the below b(i) – b(vi):

a. Medium recording area

- (i) Fig. 3
- (ii) Fig. 4
- (iii) Fig. 5
- (iv) Fig. 6
- (v) Fig. 7

b. Temporary defect management area

- (i) Fig. 8
- (ii) Fig. 9
- (iii) Fig. 10
- (iv) Fig. 11
- (v) Fig. 12
- (vi) Fig. 13.

In order to comply with the Examiner's Election of Species Requirement, Applicants provisionally elect the combination of a(ii), Figure 4 and b(i), Figure 8, readable on 1-3, 5-9, 15-17, 23-26, 28-32, 38 and 39 for prosecution in the present application. Applicants reserve the right to file a Divisional application directed to the non-elected claims at a later date, if so desired.

The Examiner also indicated that none of the claims are considered generic to all species. Applicants respectfully disagree and submit independent claims 1, 23 and 24 are generic to all combinations of species.

In claims 1, 23 and 24, the claimed features are generic to all combination species (Figs. 3-13).

First, the feature of “allocating at least one replacement area and a plurality of temporary defect management area...wherein the temporary defect management areas are separately provided” is directed to all combination species. For example, each of Figs. 3, 4, 5, 6 and 7 is merely one example for providing the temporary defect management areas separately recited in claims 1, 23 and 24.

Second, the feature of “recording defect management information on at least one of the plurality of temporary defect management areas” is directed to all combination species. For example, each of Figs. 8, 9, 10, 11, 12 and 13 is merely one example for recording the temporary defect management information recited in claims 1, 23 and 24. Thus, at least claims 1, 23 and 24 are generic to all species.

Furthermore, this requirement for election of species is respectfully traversed.

Examination of all the species together in one application would not place an undue burden on the Examiner. Accordingly, reconsideration of the requirement for election of species, and an action on all of the claims in the application, are respectfully requested.

Favorable action on the present application is earnestly solicited.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (703) 205-8000, in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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